

**MINUTES
FREMONT CITY COUNCIL WORK SESSION AND REGULAR MEETING
MAY 19 2009
FREMONT CITY HALL
6:00 P.M.**

1. PRELIMINARY

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan.
Absent: Councilmember Harrison
- 1.4 Announcements by Mayor/City Manager – None.**

2. PUBLIC COMMUNICATIONS

2.1 Oral and Written Communications

Representatives from Rachel's Ballet Inc. invited councilmembers to a recital at Ohlone College on May 22nd. Wynn Grcich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

(This item was taken out of order on the agenda)

3. WORK SESSION ITEM

3.1 BART WARM SPRINGS EXTENSION PRESENTATION

Transportation & Operations Director Jim Pierson introduced presenters from BART: Paul Medved, Project Manager for Warm Springs Extension, Molly McArthur, Community Relations, Marty Opeman, Project Engineer for the subway contract, Angela Charles, Community Outreach and Tom Blalock, BART Director. BART staff provided a project overview and update regarding the project delivery plan, Warm Springs Extension alignment, project schedule, project funding, subway contract scope of work, major construction activities, community outreach, and next steps. Councilmembers and BART staff engaged in a question and answer period. No action was taken.

4. CONSENT CALENDAR

- * **4.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

- * **4.2 Approval of Minutes for the Special and Regular Meetings of May 5, 2009, and the Regular Meeting of May 12, 2009.**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council approved the minutes for the Special and Regular Meetings of May 5, 2009, and the Regular Meeting of May 12, 2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

- * **4.3 Mayor Wasserman opened consideration of the Amendment of the Existing Construction Management Contract with Anchor Engineering for Additional Services Related to Construction Delay at the Family Water Play Facility Project, City Project Number PWC 8464 of \$152,210 for a Revised Contract Amount of \$919,735**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to execute an amendment to the existing service contract with Anchor Engineering, Inc., in the amount not to exceed \$152,210, for a revised contract amount of \$919,735.00 for construction management services for the Family Water Play Facility Project, City Project Number 8464 (PWC).

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

- * **4.4 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract for the Construction of the New Fire Station No. 11 (City Project No. 8683), APN # 519-1005-096-00. A Mitigated Negative Declaration was Previously Approved for this Project.**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council:

1. Approved Plans and Specifications for the new Fire Station No. 11, City Project No. 8683 (PWC).
2. Awarded a contract for the construction for the new Fire Station No. 11, City Project No. 8683 (PWC), to Zolman Construction & Development, Inc., in the amount of \$3,900,000; and authorized the City Manager, or designee, to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

- * **4.5 Mayor Wasserman opened consideration of the Adoption of a Resolution Authorizing the Submittal of a Grant Application to the San Francisco Foundation on behalf of the Tri-City Elder Coalition for the Continuation of Pathways to Positive Aging Initiatives and Acceptance of Funds**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2009-25 authorizing the City Manager or designee to submit a grant application to the San Francisco foundation to support the Pathways to Positive Aging initiative.
2. Authorized the City Manager or designee to accept any awarded grant funds, and execute a grant agreement and any necessary implementing documents.
3. Authorized the appropriation of awarded funds to fund 144.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

- * **4.6 Mayor Wasserman opened consideration of the Authorization of the City Manager to Execute a \$273,000 Contract for Copying and Printing Services with Bay Central Printing**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council authorized the City Manager, or his designee, to execute a one year contract in an amount not to exceed \$273,000 with Bay Central Printing, Inc., with an option for the City

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Manager, or his designee, to execute up to two additional one-year extensions each not to exceed \$273,000 per year, for copying and printing services.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 4.7 Mayor Wasserman opened consideration of the Approval of an Extension to the First Responder Advanced Life Support Services Agreement between the City of Fremont and the County of Alameda**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to execute an extension of the First Responder Advanced Life Support (FRALS) Services Agreement between the City of Fremont and the County of Alameda, with the increased compensation described in the staff report.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 4.8 Mayor Wasserman opened consideration of the Continuation of a Public Hearing and Adoption of a Resolution Regarding American Recovery and Reinvestment Act Community Development Block Grant (CDBG-R) Funds and FY 2008/09 CDBG Action Plan Amendment**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council:

1. Held a public hearing on proposed use of CDBG-R funds.
2. Adopted Resolution No. 2009-26 approving, and authorizing the City Manager or his designee to submit the FY 2008/09 CDBG Action Plan Amendment, allocating the CDBG-R funds in the amount stated in the staff report, contingent upon the adoption of the FY 2009/10 Budget by the City Council, authorizing the City Manager or his designee to execute a CDBG funding agreement with HUD as described in the staff report, authorizing the City Manager or his designee to execute CDBG funding agreements with non-profit agencies as described in the staff report, contingent upon a finding of no significant impact on the corresponding environmental assessments, and contingent upon adoption of the FY 2009/10 budget by the City Council.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

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*** 4.9 Mayor Wasserman opened consideration of the Adoption of a Resolution Finding a Severe Fiscal Hardship That Will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California**

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2009-27 finding that a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.
2. Directed staff to send copies of the resolution to Governor Schwarzenegger, Senator Corbett, Assemblymember Torrico, and the League of California Cities.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

5. CEREMONIAL ITEMS

5.1 Proclamation: Expressing Sympathy for Communities That Have Recently Experienced Mass Shootings Involving Assault Weapons

6. SCHEDULED ITEMS – None.

7. REPORT FROM CITY ATTORNEY

7.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action

8. OTHER BUSINESS

8.1 Mayor Wasserman opened consideration of the Authorization for the City Manager to Execute Such Documents as Necessary to Accept the Niles Town Plaza Property from the Redevelopment Agency; Authorization for the City Manager to Sell Two City-owned Parking Lots (37482 & 37682 Niles Boulevard) to the Redevelopment Agency

Item was pulled due to recent information on grant denial. The item, along with companion RDA Item 5.2, was continued to a date uncertain.

8.2 Mayor Wasserman opened consideration of EIR Scoping Comments for the Proposed Transmission Agency of Northern California (TANC) High Voltage Transmission Line Routing through Fremont in the General Vicinity of the Mission San Jose, South Irvington, and West I-880 Industrial Areas Along the Auto Mall Parkway Corridor to the PG&E Newark Substation and then Proceeding South to the City of Santa Clara through the Bayside Business Park

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Senior Planner Kelly Diekman provided a brief overview. Staff responded to questions from Councilmembers. There were no speakers. Councilmembers provided comment.

9. COUNCIL COMMUNICATIONS

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events

10. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:05 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

BOB WASSERMAN, Mayor